

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-16

MARIO ARTURO CANTU-GALAVIZ,

Defendant.

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**ORDER DENYING MOTION FOR IMMEDIATE DEPORTATION**

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On July 18, 2003, this court sentenced defendant Mario A. Cantu-Calaviz to fifty-seven months in the custody of the Bureau of Prisons for the offense of unlawful re-entry into the United States after deportation for an aggravated felony contrary to 18 U.S.C. § 1326(a) and (b). The fifty-seven month sentence imposed represented the low end of the applicable guideline range. The defendant has now filed a motion for immediate deportation prior to the completion of his sentence of imprisonment.

The defendant's motion will be denied for the simple reason that this court has no authority to provide the relief requested. Although the defendant asserts that such authority exists under 8 U.S.C. § 1252(h)(2)(A), no such provision exists. Section 1252 governs judicial review and orders of removal issued by the Board of Immigration Appeals; it does not authorize district courts to order the immediate deportation of aliens prior to the completion of criminal sentences that have been imposed for crimes they have committed. Accordingly, the defendant's motion must be denied.

SO ORDERED this 25th day of January, 2006.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge